**HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY**

**W.P.No.10037 of 2005**

**Dated 10th August, 2005**

Between:

S.Tirumaleshwari, D/o.S.Lingaiah,

R/o.7-53,Raju Colony,

Balanagar, Hyderabad – 500 042.

.. Petitioner

and

Jawaharlal Nehur Technological University,

rep. By its Registrar, Kukatpally, Hyderabad

and another

.. Respondents

**HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY**

**W.P.No.10037 of 2005**

**ORAL ORDER**:

This writ petition has been filed by S. Tirumaleshwari with a prayer to issue an order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in not conducting

classes for 90 working days as provided under Regulation 11 of B. Tech (Regular) Four Year Degree Course (Revised) Academic Regulations of the 1st respondent-University as arbitrary and violative of principles of natural justice and Article 14 of the Constitution of India and consequently declare the action of the respondents in insisting the petitioner to fulfill the minimum required attendance under Regulation 6 without conducting the minimum required classes mandated under Regulation 11 as without jurisdiction, *ultra vires* and violative of rights under the Constitution of India.

The petitioner is a student of B.Tech. Course. When her attendance was falling short of the required percentage, she was not permitted to take examination for the second semester of III year B.Tech. course. Hence, the writ petition has been filed.

It is pleaded in the affidavit filed in support of the writ petition that the 2nd respondent-college has not conducted requisite number of working days and thus, the percentage has to be taken into consideration depending upon the number of classes conducted by the 2nd respondent-college.

The 1st respondent filed counter affidavit which was sworn to by one Prof. B.C.Jinaga. I deem it appropriate to refer to Para 3 of the counter affidavit which reads thus:

> *"I submit that the contention of the petitioner is that she could not attend the classes due to her severe ill-health and further contention that as college has not worked for 90 days and did not conduct required period of instructions is untenable. The petitioner attended only 206 classes out of 338 classes conducted by the 2nd respondent-college which works out to only 60.95% which is less than minimum required criteria of 75% and even if the 10% attendance is condoned (upto 65%) as per Academic Regulation 6(ii), there is shortfall of attendance. Whatever may be the reason, no authority has power to condone the attendance more than 10% as per University Regulations and as per the Division Bench judgment of this Hon'ble Court reported in 2005(1) ALD 253."*

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

The learned counsel for the petitioner submits that the 2nd respondent-college conducted only 81 working days instead of 90, and therefore, the number of classes are to be taken into consideration. He further submits that the total number of classes conducted by the 2nd respondent is 338, whereas, the petitioner attended only 206 classes and therefore, the percentage of attendance is 71%. In a nutshell, his contention is that total number of classes have to be taken into consideration to arrive at the required percentage of attendance.

The learned counsel for the 1st respondent submits that the total number of working days is to be taken to into account and not the number of classes. Regulation 11 of the B. Tech. (Regular) Four Year Degree Course (Revised) Academic Regulations reads thus:

> ***"Minimum Instruction Days:***
>
> *The minimum instruction for each semester/I year shall be 90/180 working days excluding examination days."*

It is explicit from the above regulation that what is required is total number of days and not total number of classes. Admittedly, the petitioner has 62% attendance in second semester of third year B.E. Course. Under academic regulation 6 (i), a student has to put in a minimum of 75% of attendance in aggregate in all subjects in each semester. Regulation 6 (ii) provides for condonation of shortage of attendance up to 10% on valid and genuine grounds. It has been held by the Division Bench of the High Court in ***M.SUNIL CHAKRAVARTHY v. PRINCIPAL, SREEKALAHASTEESWARA INSTITUTE OF TECHNOLOGY, SREEKALAHASTHI AND ANOTHER,*** that nobody has power to condone the attendance below 65% . Admittedly, the petitioner has only 62% attendance and even if 10% attendance is condoned, her attendance is falling short of the

minimum required attendance.

Therefore, I find that the writ petition is devoid of merits and it is accordingly dismissed. No costs.

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10.08.2005

bcj